

AT LEAST 8 YEARS FOR HAINS

SENTENCE OF ARMY OFFICER
MAY RUN TWICE THAT LONG.

Justice Garretson Denies Motion for Delay. Family Will Not Try Further to Mitigate Punishment—Prisoner Unaffected by the Court's Judgment.

Capt. Peter C. Hains, Jr., who was found guilty last week of manslaughter in the first degree for the killing of William E. Annis, was sentenced by Justice Garretson in the Supreme Court at Flushing yesterday morning to serve an indeterminate term in Sing Sing of not more than sixteen years and not less than eight years at hard labor.

Judgment was passed by the Court after John F. McIntyre of counsel for the condemned army officer had exhausted all legal remedies against the imposition of punishment. His final plea that the prisoner should not be removed to the State prison immediately was favored by Justice Garretson, who authorized the Sheriff of Harvey to keep Hains in jail for at least twenty-four hours before properly removing him to Sing Sing.

The convicted man took his sentence standing without a tremor. When the judge had finished speaking he went back to his seat and sat huddled in his long overcoat until his two guards had him stand to receive the manacles. There was not a flicker of emotion about his blankly staring eyes.

When court opened at 10:30 o'clock Gen. Hains and Major John P. Hains, the brother of the Captain, were in their seats by the side of Mr. McIntyre and Eugene Young, the counsel who had fought in Capt. Hains's defense. District Attorney DeWitt rose to move that sentence should be imposed.

Then Mr. McIntyre made his last effort to stave off punishment for his client. He moved that the verdict found by the jury last week be set aside. The four reasons he gave in support of the motion were the standard ones—that the verdict was contrary to law, against the weight of evidence, that the Court erred in instructing the jury on points of law and upon exceptions taken to the Court's ruling in the course of the trial. Mr. McIntyre included a motion for the arrest of judgment upon technical points based upon alleged irregularity in the finding of the indictment by the Grand Jury and upon the contention that since the defendant was a soldier at the time of the homicide the court had no jurisdiction in the case.

"Motion denied," was Justice Garretson's prompt ruling. The Justice nodded to Clerk Peace.

"Prisoner to the bar!" called the clerk. Capt. Hains went forward and stood before the clerk's desk, where his pedigree was to be taken. To the first question, "What is your name?" the prisoner promptly replied "Peter."

"Peter C. Hains, Jr.?" queried the clerk, and the Captain nodded. Then he said in answer to the rote that he was 35 years old and had been born in Baltimore. He spoke in a voice so low that those who were directly behind him could not catch his answers.

"Ever been arrested before?" the clerk asked.

"No."

"Have you any trade?" was the next interrogation of the ancient formula.

"I am a soldier," Capt. Hains replied, and his answer was so inaudible that the clerk had to repeat the question.

After having defined his religious faith Capt. Hains stumbled at the answer to the next question.

"Are you temperate?" the clerk asked, and the prisoner simply stared. Mr. Young was by his side in an instant and told him to answer.

The lawyer whispered in his ear and Capt. Hains replied that he was temperate. The clerk finally asked if the prisoner had any reason why sentence should not be imposed on him. Then Mr. Young leaned across the rail and in a low voice made a plea for clemency.

"We ask that the court show leniency and leniency shown in the judgment passed upon this man," he said. "This defendant has been convicted of manslaughter in the first degree and has occupied a position in the country of high responsibility under the Federal Government."

Subsequent to his arrest he has been on leave of absence from the United States army, and upon this conviction his pay, which has been held up during his trial, will be forfeited to the government. His captivity in the United States army represents an investment of from \$30,000 to \$40,000.

These are two elements of punishment that should enter into this judgment. The cars of three little children which he will leave will devolve upon his aged parents. It may be that his physical condition in condition will improve so much that he can assume part of this responsibility.

We submit to your Honor that the members of the jury who tried this case have joined in a petition for clemency, and on these statements we ask that you show this man leniency and clemency in passing judgment upon him.

Mr. McIntyre interposed a word, calling the attention of the Justice to the report made by Dr. Brush and Dr. Platt to the effect that Capt. Hains in their opinion was still insane. This report had been read by the Justice before court convened.

Capt. Hains had stood erect before the railing during the reading of his counsel. When Justice Garretson took up a paper upon which he had written the words of the sentence the prisoner's eyes did not flutter. He stood as before, but steadily on the walls above the dais.

In imposing the sentence Justice Garretson said:

"So far as this matter is concerned to which you last referred I have no information which enables me to act judicially. The Court is unable to do today in the same position as any other defendant does."

"Peter C. Hains, Jr., after a fair and impartial trial upon an indictment for murder in the first degree, in which you were defended by able and experienced counsel, you have been found guilty by the jury of manslaughter in the first degree. The Court is unable to do today in the same position as any other defendant does."

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doubt or to take such other measures as the law allowed him in behalf of the prisoner before he should be taken to Sing Sing. Then Justice Garretson, who had been told that the prisoner had been moved up the river.

In a few minutes the prisoner took leave of his father and brother, and then he was taken back to the jail in the Sheriff's auto.

"I am not very certain what steps I will take in Capt. Hains's behalf," said Mr. McIntyre after court had adjourned. "I will consult with my family before I make any move, and it will be necessary that I look up some legal precedents, if there are any, to carry out a possible scheme for saving him from prison. I believe that it may be possible to secure a judicial examination into Capt. Hains's mental condition, even after conviction and the passing of sentence. I am just as convinced now as I ever was that he is insane, and I can find some legal foundation for having his sanity inquired into before a jury will try to have him sent to an asylum."

The other alternative is an application for a certificate of reasonable doubt upon the validity of the conviction and judgment, an application that I am allowed to make before any Supreme Court in a neighboring county. There was a possibility that the family of the condemned army officer may not seek further to mitigate his punishment. He said, speaking for himself, that he did not think the Justice Garretson's sentence was severe.

Last night Lawyer Eugene Young issued a statement in which he said that he would not be applying for a certificate of reasonable doubt on the part of the condemned man's lawyers nor an effort made for a stay of execution of the sentence imposed. An appeal from the verdict will be taken in the regular way, Mr. Young said, and he was now engaged in drawing up that appeal.

The fact that the conviction of Capt. Hains did not of itself militate against a final disposition of the suit for divorce which he had begun against his wife, said the lawyer. But because the defense intervened in the recent criminal action had been insanity, if the divorce action is to be further prosecuted it will have to be done by a committee of Capt. Hains's person acting in his place as plaintiff.

NEW BOY RAN THE ELEVATOR
That Killed Jeremiah Mulhall Because It Ascended Too Soon.

Jeremiah Mulhall, a clerk in the employ of his uncle, M. J. Mulhall, a silk jobber at 25 West Thirty-fourth street, was crushed between an elevator and a floor in the building at that address yesterday afternoon and died before he reached the hospital.

Mulhall was 27 years old and lived at 83 East Fifty-fifth street.

The elevator man was off yesterday and had arranged with a sixteen-year-old boy, Samuel Hamill of 209 Crotona avenue, The Bronx, to do his work. Mulhall took the elevator late in the afternoon and went up to the third floor. Other passengers got off, and Mulhall was just leaving the car when Hamill started it on up.

Seeing the danger, the boy threw the lever over full tilt and the car dropped swiftly, falling Mulhall and pinning his head between the floor and the top of the elevator door.

Hamill was locked up on a technical charge of homicide. He spent the night crying in his cell, fearful lest the news reach his father and mother both of whom he said were ill.

UNCLE JOE IN A NEW SUIT.
It Was of Modish Style, Light in Texture and Light in Color.

WASHINGTON, May 17.—Uncle Joe Cannon appeared in the House today with a new suit of wearing apparel, suggesting of gentle spring. It was the creation evidently of a modish tailor, light in texture and light in color, and the speaker looked nobler than he has for a long time. Whether his new suit was responsible for it or not, Uncle Joe was in an exuberant frame of mind. He looked as happy as a clam at high tide and his mood was redoubled by the manner in which he presided.

The House got into a snarl over a request made by a member that a reprint of a certain bill be authorized. Minority Leader Champ Clark said that if the reprint was ordered 250 copies should go to the folding room, one copy to be allotted to each member of the House. Then Representative Fitzgerald took the floor.

"There are 361 members of the House," he said. "I want to know if you are going to give each of the 361 members a copy of this bill if you only print 250 copies?"

That, he said, replied the Speaker. "Is not a parliamentary question; therefore it is not in order upon the Chair to decide it. The House is divided on the question of the reprint providing for the reprint was defeated."

The Weather.
A depression central yesterday morning over Ontario and Quebec was attended by showers and heavy rain in the Lake regions. New York and New England.

A low area extending from Texas and New Mexico to the upper Missouri valley caused rain in the Northwest and the Mississippi valley and showers in the middle and west Gulf States.

Cooler weather prevailed in the middle and lower Lakes. Ohio and eastward to the coast; and in Montana, Idaho and Nevada to the Mississippi Valley and from the west Gulf northward into the Dakotas it was warmer. Freezing temperatures occurred in Montana and New England.

In this city the day was partly cloudy and cooler; wind fresh southeasterly; humidity 71 per cent; barometer, corrected to read to sea level, 30.1; wind, 12 to 15 miles per hour.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

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